

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON DECEMBER 7, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
 Walt Haynes, Vice-Chair
 Ryan Thum, Secretary
 Joel Donahue, Member
 William Seitz, Member
 Robert Miller, Member
 Frank Lau, Member
 John Tuttle, Member
 Malvin Wells, Member
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Jamie MacLean, Development Planner

Absent: Brea Hopkins, Planning & Zoning Technician

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, and seconded by Mr. Seitz, and unanimously carried the agenda was approved.

CONSENT AGENDA:

On a motion by Miller, seconded by Tuttle, and unanimously carried the consent agenda was approved as amended. An amendment to the Blacksburg Planning Commission Liaison Report in the September 14th meeting minutes is necessary to clarify the location of the property being discussed for a conditional use permit is adjacent to the old Blacksburg bank site.

PUBLIC ADDRESS:

Mr. Rice opened the public address; however, there being no speakers the public address was closed.

PUBLIC HEARING:

An ordinance amending Chapter 10, entitled Zoning, Section 10-45(3)(g)(4) & Section 10-45(3)(g)(5) of the Code of the County of Montgomery, Virginia, by increasing the allowable size of temporary political campaign signs from twelve (12) sq. ft. up to thirty-two (32) sq. ft. on

any privately owned lot or parcel and by increasing the time for removal of temporary signs from five (5) days to ten (10) days after the event.

Mr. Rice introduced the request.

Ms. Jenkins reviewed the information previously discussed during the October 12, 2011 work session regarding political campaign signs. Campaign signs are allowed by 10-45 of the zoning ordinance; however, there has been discussion regarding increasing the size from 4' x 3' (12 square feet) to 4' x 8' (32 square feet) or another size that may be deemed appropriate. The commission has been somewhat divided on whether or not to increase the allowable size of campaign signs. In addition to the required legal advertisement, staff has mailed notification of the public hearing to recent political candidates and requested any comments from candidates or the general public.

Mr. Rice opened the public hearing.

Mr. George Jackson, candidate for Sheriff in the most recent local election, stated that some of his signs were over the allowable limit of size. Neither the Town of Blacksburg nor the Town of Christiansburg regulates the size of campaign signs. It is more beneficial to purchase the 4' x 8' signs and possibly reuse them. The smaller signs (4'x3') lead to a waste of 5' because the material is pre-cut. There was very little difference in price for the increased sign area. Some landowners request larger signs because they may live on properties that limit visibility from the road. He further stated that he would prefer to see restrictions regarding the length of time signs could be posted.

Mr. Chris Tuck, candidate recently elected to the Montgomery County Board of Supervisors, stated that he was one of the candidates who approached the board of supervisors regarding this issue. It appeared no-one was in compliance during the recent elections. He noted it is also problematic to specifically target a type of speech, in this case political speech and limitations placed on size may be considered a violation of "freedom of speech". In addition, when one goes to purchase a sign, the typical sizes available are 4' x 4' or 4' x 8'. If a different size is desired, it is considered a special order and results in higher pricing. Mr. Tuck stated that he supports increasing the permitted size to 4' x 8' and noted that candidates did a good job of taking signs down promptly after the election.

There being no further comments, the public hearing was closed.

Mr. Seitz asked how Montgomery County's rules on political signs compare with the Town of Christiansburg and the Town of Blacksburg.

Ms. Jenkins stated that Christiansburg requires a permit for political signs, which can be obtained via email or phone. The Town of Blacksburg allows 32 square feet.

Mr. Haynes stated at the last meeting the commission discussed not increasing the sign size from 12 square feet and adding a recommendation that the ordinance be modified so that they are required to be removed within 10 days.

Mr. Miller stated that he was concerned about line of sight in some areas and believes that safety may be an issue on narrow streets where sight lines are problematic. He felt he could support a 4' x 4' sign more easily than a 4' x 8' sign, due to potential safety hazards.

Mr. Haynes stated that a 4' x 8' sign is a bit excessive. This would be a compromise that could help candidates with the expense of buying signs.

Mr. Tuttle stated that he doesn't see the changes as enforceable. He stated it was problematic to try to regulate something that will be difficult to enforce and could be a waste of time and

resources. He would support 4' x 8' as the minimum, but isn't in favor of regulating political sign sizes at all.

Mr. Wells stated that it seems more work and time is needed to address this issue. He suggested that staff bring the topic to the commission at their next meeting with comments from the County Attorney regarding the constitutionality of limiting the size of a particular type of sign.

Ms. Jenkins stated that the County Attorney was present at the board of supervisors meeting when this issue was discussed and also received a packet on this information. Specific comments from the County Attorney can be obtained.

Mr. Thum stated he was not in favor of applying rules to people when they are naturally inclined to follow. It is clear that during the past decade people have violated this with impunity and the market standard has become a 4' x 8' because it is probably the largest sign you can get without special ordering. He further stated that he hadn't seen evidence of accidents occurring because of these signs in the past. It would be good to have the county ordinance align with other jurisdictions. He requested that staff ask the County Attorney about free speech and to look at temporary signs as a whole not just political signs. Some content based restrictions are allowed but he would like comments from the County Attorney.

Mr. Sandy stated that staff will come back to the commission with an ordinance drafted and advertise for a board of supervisors hearing in January.

Mr. Lau stated it would be nice to have the information available for candidates when they register to run for office.

Mr. Sandy stated he would like to have the information for signs in the packet for candidates. It would be nice to have all jurisdictions' regulation on one sheet.

A motion was made by Mr. Thum, seconded by Mr. Wells to recommend that staff draft an ordinance based on the commission's discussion so that the commission can vote on this issue at their next meeting.

Ayes:	Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays:	None
Abstain:	None

NEW BUSINESS:

2012 Work Program

Mr. Sandy discussed the 2012 work program. Last year, urban development areas and our land development office software were some of the projects worked on. The following projects are included in the 2012 Work Program:

- Staff will continue to work on land development office software to allow accessibility from the field and to develop a web based functionality to be able to check on permits from online so people can find out where their permits are in the permitting process. Many of these upgrades can be started as soon as funds become available to add functionality to the software. Staff will work on this as funding becomes available.
- Another project scheduled for completion in 2012 is the Lafayette Area Plan. Staff is working towards a January or February adoption. Staff will continue to work on zoning

ordinance amendments, political signs, small wind ordinance, and landscape changes as well.

- Grant applications, including Safe Routes to school, TAG pipeline, and Revenue Sharing Agreements with some of the Exit 109 property owners.
- Three Agricultural and Forestal Districts will be up for renewal this year.

Nominating Committee Report and/or Nominations

Mr. Rice stated he had appointed Mr. Miller, Mr. Wells, and Mr. Seitz to the nominating committee. Mr. Wells reported the nominating committee offered the following nominations for the 2012 year:

Chair: Mr. Haynes

Vice chair: Mr. Thum

Secretary: Mr. Tuttle

Mr. Rice noted that he would like to add that Mr. Lau has expressed an interest in being chair and is certainly eligible at the discretion of the committee or by nomination from the floor.

On a motion by Mr. Thum, seconded by Mr. Donahue and unanimously carried the Planning Commission accepted the nominations of the committee.

WORKSESSION:

On a motion by Mr. Seitz, seconded by Mr. Haynes and unanimously carried, the planning commission entered into worksession.

Fee Schedule

Mr. Sandy reviewed proposed changes to the fee schedule. Due to the adoption of the PUD-TND and TND-Infill districts, application fees needed to be included. A lower fee for the TND-Infill district is proposed as an incentive to rezone to this district. The PUD-TND requests will take substantially more staff time to process and therefore, has a larger fee. Recently a variance was requested to the subdivision ordinance and that fee was not on the schedule. Another addition was the \$20 Agricultural and Forestal District renewal fee. This fee was included in the code; however, did not appear on the fee schedule. He noted if the proposed additions were appropriate, staff would move forward with advertising for a public hearing.

Mr. Rice requested staff move forward with the proposed fee schedule.

Bikeway Walkway Plan

Mrs. MacLean stated the 2011 plan is available for review and comment. The plan provides information, guidelines, and cohesion in the creation, expansion, and coordination of a safe and

effective Bikeway, Walkway, and Blueway system for the New River Valley region. The Parks and Recreation Commission voted to make a formal recommendation to adopt or endorse the plan on December 1, 2011. The New River Valley Planning District Commission would like for the Planning Commission & Board of Supervisors to endorse the plan in the next months.

In discussion, commissioners felt it was important to endorse this multi-jurisdictional plan, which provides valuable information regarding existing bikeway, walkway, and blueway facilities in the region. The commission also felt it was essential to endorse the plan so that the participating localities will have a guiding document to coordinate possible future regional connections to the New River Trail and Roanoke Regional Trail Network as funds become available.

Hazard Mitigation Plan

Mrs. MacLean stated in April 2005, the Montgomery County Board of Supervisors adopted the region's first Hazard Mitigation. Since 2009, representatives from the region's localities and the area's experts in emergency management and hazard risks have worked to update the existing plan. It has been revised to update completed activities, identify additional known hazards, assess potential risks, and develop mitigation strategies to protect lives and property and to prepare the region for disasters that may strike. The re-adoption of the revised plan by participating localities will maintain the region's eligibility for FEMA's disaster mitigation program funds. On November 14, 2011, PDC staff notified Planning staff that the plan had been approved by VDEM and had obtained "approval pending adoption" from FEMA. The New River Valley Planning District Commission would like for the Planning Commission & Board of Supervisors to endorse the plan in the next months.

In discussion, commissioners felt it was important to adopt this multi-jurisdictional plan, which includes mitigation strategies to protect lives and property of citizens in the region. The commission also felt the adoption of the plan was essential so that the participating localities can qualify for funding of mitigation projects in the future.

Lafayette Area Plan

Mr. Sandy stated the Lafayette Area Plan had been placed on hold while waiting for the Supreme Court to make a decision regarding the intermodal facility. A final draft of the document has been completed for review and discussion. The primary revisions are to the land use designations in the area. The Board of Supervisors has discussed rezoning the elementary school property. If there is development from the intermodal location the plan outlines what is desired. All property nearby is planned for light industrial uses. People in the area want development and job opportunities; however, they want development that is visually appealing. A big part of the report is reviewing traffic issues and concerns.

On a motion made by Seitz, seconded by Haynes, and unanimously carried the Planning Commission exited worksession.

A motion was made by Mr. Miller, seconded by Mr. Haynes to adopt the Bikeway, Walkway Plan.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nayes: None
Abstain: None

A motion was made by Mr. Wells, seconded by Mr. Thum to adopt the Hazard Mitigation Plan.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nayes: None
Abstain: None

LIAISON REPORTS:

Mr. Rice stated this meeting would be Mr. Muffo's last. He has served as Planning Commission Liaison since January 2000 and will be missed.

Board of Supervisors- Mr. Muffo stated he had run for office because he realized that the Board of Supervisors could affect and change people's lives. He noted he has the experience and will miss the people; however, will not miss the meetings.

Mr. Haynes stated he hoped Mr. Muffo would come back and visit.

Agriculture & Forestal District- No report.

Blacksburg Planning Commission- No report.

Christiansburg Planning Commission- No report.

Economic Development Committee- No report.

Public Service Authority- Mr. Wells stated the meeting was cancelled.

Parks & Recreation Commission- Mr. Thum stated the commission discussed the Bikeway Walkway Plan. The document is very impressive. Parks and Recreation wants to ensure that trails match up and allow funds to be expended effectively. The sheriff's office will alter patrol routes to be in the area of football games so there will not be a need to pay the extra \$2,000 for security to be at the games.

Radford Planning Commission- No report.

School Board- Mr. Seitz reported he attended the school board meeting on December 6, 2011. Blacksburg High School and Auburn High School are currently on schedule and plan approval is anticipated in February. Everyone will be able to monitor the construction progress of the schools online.

Transportation Safety Committee- No report.

Planning Director's Report- Mr. Sandy stated the Prices Fork Elementary School is open and the school system is redistricting. They held their first community meeting today. In the next few months you will be receiving more information regarding the progress. The committee chosen is very large. The next Planning Commission meeting will be held January 11, 2012.

There being no further business the meeting was adjourned at 8:20 pm.